

Christopher R. Clark, Councilmember
John M. Inks, Councilmember
R. Michael Kasperzak, Jr., Councilmember

Daniel H. Rich, City Manager
Lorrie Brewer, City Clerk



Patricia Showalter, Mayor

Ken S. Rosenberg, Vice Mayor
John McAlister, Councilmember
Leonard M. Siegel, Councilmember

Jannie L. Quinn, City Attorney

March 15, 2016

Council Chambers - 500 Castro St.

**JOINT SPECIAL MEETING OF THE CITY COUNCIL AND SHORELINE REGIONAL
PARK COMMUNITY**

1. CALL TO ORDER

Mayor Showalter called the meeting to order at 6:33 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Showalter led the Pledge of Allegiance.

3. ROLL CALL

Present: 7 - Councilmember McAlister, Mayor Showalter, Councilmember Clark,
Councilmember Inks, Councilmember Kasperzak, Vice Mayor
Rosenberg, and Councilmember Siegel

4. CONSENT CALENDAR

Councilmember Inks requested that Item 4.3 be removed from the Consent Calendar.

**MOTION - M/S Kasperzak/McAlister - To approve items 4.1 and 4.2 on
the Consent Calendar.**

The motion carried unanimously.

4.1 Approval of Minutes.

That City Council and Shoreline Regional Park Community Boardmembers approve the following minutes:

- 1. February 23, 2016 Council meeting;**
- 2. March 1, 2016 Council meeting;**
- 3. February 23, 2016 Shoreline Regional Park Community meeting; and**
- 4. March 1, 2016 Shoreline Regional Park Community meeting.**

4.2 Citywide Trash Capture Project Phase I, Project 16-53-Authorize Professional Services Agreement.

Authorize the City Manager to execute a professional services agreement with Schaaf & Wheeler, Consulting Civil Engineers, of San Francisco to provide design services for the Citywide Trash Capture Project Phase I, Project 16-53, in a not-to-exceed amount of \$274,430.

4.3 Shoreline Boulevard Interim Bus Lane and Utility Improvements, Project 16-58 - Authorize Professional Services Agreement.

Authorize the City Manager to execute a professional services agreement with Mark Thomas & Company of San Jose to provide civil engineering services for the Shoreline Boulevard Interim Bus Lane and Utility Improvements, Project 16-58, in a not-to-exceed amount of \$347,188.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:

Don Letcher

MOTION - M/S - Kasperzak/Siegel - To authorize the City Manager to execute a professional services agreement with Mark Thomas & Company of San Jose to provide civil engineering services for the Shoreline Boulevard Interim Bus Lane and Utility Improvements, Project 16-58, in a not-to-exceed amount of \$347,188.

The motion carried by the following vote:

Yes: 6 - Councilmember McAlister, Mayor Showalter, Councilmember Clark, Councilmember Kasperzak, Vice Mayor Rosenberg, and Councilmember Siegel

No: 1 - Councilmember Inks

5. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

Don Letcher spoke in support of Police Chief Bosel.

Valerie Fenwick expressed concerns that the Rex Manor neighborhood was not noticed regarding the discussions held during the February 2nd Council Meeting regarding the Hetch Hetchy Park, and she provided recommendations with regard to the park.

Tracy Ferea expressed concerns with the potential loss of trees at the Hetch Hetchy Park tot lot near the Rex Manor neighborhood.

Judy Zellers expressed concerns with the potential loss of trees at the Hetch Hetchy Park tot lot near the Rex Manor neighborhood.

Susannah Zellers spoke to the value of trees.

Gary Wesley provided a presidential candidate election update and commented on the campaign practices of Presidential Candidate Donald Trump, Assemblymember Candidate Mike Kasperzak, and special interest groups.

Thida Cornes expressed concerns that the item with regard to the Hetch Hetchy Park was not brought before the Parks and Recreation Commission for consideration prior to Council's considerations on February 2nd.

Gary Lekan spoke in support of maintaining the trees in the Hetch Hetchy Park near the Rex Manor neighborhood. Mr. Lekan also responded to Council's questions.

6. PUBLIC HEARING

6.1 1958 Latham Street Project.

Mayor Showalter opened the Public Hearing at 6:57 p.m.

Associate Planner Anderson and Barry Swenson Builders Architect Dan Sell presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS AND/OR WITH
RECOMMENDATIONS:

Ellyn Berner

Mayor Showalter closed the Public Hearing at 7:10 p.m.

MOTION - M/S Kasperzak/McAlister - To:

**1. Adopt Resolution No. 18035 Conditionally Approving a Planned Unit
Development Permit to Construct a Six-Unit Rowhouse Development**

Project and a Heritage Tree Removal Permit to Remove Five Heritage Trees at 1958 Latham Street, including a determination that the project is categorically exempt pursuant to Section 15332 (“Infill Development”) of the CEQA Guidelines, to be read in title only, further reading waived (Attachment 1 to the Council report); and

2. Adopt Resolution No. 18036 Conditionally Approving a Tentative Map to Create Six Condominium Lots for Rowhouses and One Common Lot on a 0.39-Acre Lot at 1958 Latham Street, to be read in title only, further reading waived (Attachment 2 to the Council report).

The motion carried unanimously.

7. UNFINISHED BUSINESS

7.1 Adoption of a Rental Housing Dispute Resolution Program.

City Attorney Quinn presented an oral staff report and she, Neighborhood and Administrative Services Manager Lauzze, City Manager Rich and Associate Planner van Deursen, responded to Council's questions.

SPEAKING FROM THE FLOOR IN SUPPORT OF THE ORDINANCE AND/OR WITH RECOMMENDATIONS/CONCERNS:

Steven Goldstein

Evan Ortiz, Mountain View Tenants Coalition

Unidentified woman

Marita Barreda, speaking in Spanish, translated in English. Ms. Barreda also responded to Council's questions.

Doroteo Garcia, speaking in Spanish, translated in English.

Robin Booth

Betty Alexander

Julie Solomon

Karen Alexander

Bertram Nagarajah

Gary Wesley

Markus Beck. Mr. Beck also responded to Council's questions.

SPEAKING FROM THE FLOOR IN OPPOSITION TO THE ORDINANCE AND/OR WITH RECOMMENDATIONS/CONCERNS:

Harold Davis, Mountain View Housing Council President

Curt Conroy

Terry Blaine

Joe

Regan Avery

Privia Malek

Sherry Hatten

Council recessed at 8:32 p.m. and reconvened at 8:47 p.m.

SPEAKING FROM THE FLOOR IN SUPPORT OF THE ORDINANCE AND/OR WITH RECOMMENDATIONS/CONCERNS:

Unidentified woman
Barry Feldscher
David Arnone
Maria Lindo
Juliet Brodie
Steve Chandler
Edie Keating, Palo Alto Peninsula Interfaith Action
Elly Matsumura, Silicon Valley Rising
Christine Bush
Dennis Kim. Mr. Kim also responded to Council's questions.
Brian Leong, Lord's Grace Christian Church Pastor
Aila Malik

SPEAKING FROM THE FLOOR IN OPPOSITION TO THE ORDINANCE AND/OR WITH RECOMMENDATIONS/CONCERNS:

Jan Hutchins, Mountain View Chamber of Commerce Director of Government Relations and Business Advocacy
Moise Nahouraii
Jessica Epstein, Silicon Valley Association of Realtors. Ms. Epstein also responded to Council's questions.
David Hunt
Roger Strom, Strom Properties
Marilyn McAlpine
Carol Meyer
Greg Boudreau
David Avny
Lowell Carlstrom
Kathryn Tomaino
Keith Suddjian
Stephanie Sorenson
Bruce Herrmann
Ken
Frank Kalcic
Timothy He
Susan Ha
Unidentified man
John Hyjer
Andrea Walker
Joshua Howard, California Apartment Association

MOTION - M/S Kasperzak/Rosenberg - To Introduce an Ordinance

Amending Article I of Chapter 43 of the Mountain View City Code Related to the Right-to-Lease Ordinance, to be read in title only, further reading waived, and set second reading for March 22, 2016 (Attachment 3 to the Council report).

The motion carried by the following vote:

- Yes:** 6 - Councilmember McAlister, Mayor Showalter, Councilmember Clark, Councilmember Kasperzak, Vice Mayor Rosenberg, and Councilmember Siegel
- No:** 1 - Councilmember Inks

MOTION - M/S Kasperzak/Clark - To:

1. Introduce an Ordinance Adding Article II to Chapter 43 of the Mountain View City Code to Adopt a Rental Housing Dispute Resolution Program, with the following revisions:

- **Revise Section 43.23(c) to read: "...establishes a Rental Housing Dispute Resolution Program and it provides a procedure for conciliation and mediation of rental housing disputes involving rent increases greater than 7.2%...";**
- **Revise Section 43.23(c) NOTICE to read: "...Disputes regarding Rent Increases greater than 7.2% and Service Reductions may also be subject to non-binding arbitration."**
- **Section 43.24 (a) to read: "Rent increases for rental units shall be limited to two increases in any consecutive twelve (12) month period unless otherwise agreed upon by the Parties in writing.";**
- **Section 43.24(b) to read: "Rent Increases in any twelve (12) month period exceeding 7.2% will be subject to the Rental Housing Dispute Resolution Program;**
- **Section 43.24(c) will be stricken and Section 43.24(d) will become 43.24(c) and 43.24(e) will become 43.24(d);**
- **Section 43.26 will read: "...If a Rent Increase dispute proceeds to Arbitration, the reasonableness of any portion of the Rent Increase in excess of 7.2% base rent will be determined by an Arbitrator...";**
- **Add Section 43.32 to read: Repeal of Ordinance. By operation of law, this ordinance shall be repealed in its entirety, unless by September 30,**

2019, the City Council by an affirmative vote has taken action to retain the ordinance and any amendments thereto or portions thereof.

to be read in title only, further reading waived, and set second reading for March 22, 2016 (Attachment 1 to the Council report);

2. Adopt Resolution No. 18037 Amending the City of Mountain View Master Fee Schedule to Establish a Rental Housing Dispute Resolution Program Fee, \$7 per unit, to be read in title only, further reading waived (Attachment 2 to the Council report).

The motion carried by the following vote:

- Yes:** 4 - Councilmember McAlister, Mayor Showalter, Councilmember Clark, and Councilmember Kasperzak
- No:** 3 - Councilmember Inks, Vice Mayor Rosenberg, and Councilmember Siegel

MOTION - M/S Kasperzak/McAlister - To increase appropriations and transfer Seventy Thousand Dollars (\$70,000) from the General Fund Reserve to the Community Development Department General Operating Fund to fund implementation of the program, including outreach, noticing, database modifications, and landlord registration. (Five votes required).

The motion carried by the following vote:

- Yes:** 6 - Councilmember McAlister, Mayor Showalter, Councilmember Clark, Councilmember Kasperzak, Vice Mayor Rosenberg, and Councilmember Siegel
- No:** 1 - Councilmember Inks

Staff was directed to bring back an item for Council's consideration regarding ordinances related to mobile home parks rental control, and inclusion in the Rental Housing Dispute Resolution Program.

8. COUNCIL, STAFF/COMMITTEE REPORTS

Mayor Showalter reported on Councilmembers Kasperzak, McAlister and Siegel, Vice Mayor Rosenberg and her attendance last week at the National League of Cities Conference in Washington D.C. Mayor Showalter also reported on her attendance today at the San Francisco Bay Restoration Authority Governing Board Meeting.

Councilmember Inks reported on his attendance at a meeting with Congresswoman Eshoo and the Federal Aviation Administration, as well as the attendance at the Huff Elementary School 5th Grade Graduation Ceremony.

9. CLOSED SESSION REPORT - None.

10. ADJOURNMENT - At 11:43 p.m., Mayor Showalter adjourned the meeting to the next Council meeting to be held on Tuesday, March 22, 2016 to be held in the Council Chambers, 500 Castro Street.

ATTEST:

APPROVED:

LORRIE BREWER, MMC
CITY CLERK

PATRICIA SHOWALTER
MAYOR